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To Join or Not to Join - A Law Review Reflection

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*Donna Galchus**

When I started law school, I had recently moved to Little Rock from Norfolk, Virginia, where I had taught college economics. I had a master's degree in economics and had started work on my doctorate. I was also married and had a two-year-old daughter. My experience vastly differed from those persons who went directly from college to law school to the practice of law. I had many more responsibilities.

Becoming a member of law review was an easy decision for me. Because I did not meet the required grade point to receive an invitation, I decided to "write" to obtain membership. As a member of the "baby boomer" generation, I thought it was important to do everything I could to achieve membership and never even considered not trying to become a member of law review. It is my observation that baby boomers as a group strive to achieve the highest professional goals. I also thought that it was important because as a female, as many credentials as possible were needed for success. It turned out that I was accepted as an apprentice and given the opportunity to spend numerous hours in the library checking citations and researching my required case note. Later I wrote the labor and employment section for the survey of Arkansas case law, another assignment that required a great deal of time outside of class, work, and family.

At the present time, I have a daughter, Mary, who is planning to attend law school and who has asked me why students join law review. So far I have managed to put her off and have not really responded to her question. I have, however, begun to reflect on my experience and to formulate my answer to her question.

At the time I went to law school, it was rather rare to hear of anyone turning down membership in law review. Rather, it was the norm to use every means available to obtain membership. Also, it was a law school axiom that membership in law review contributed to better job offers and

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opened other doors in the legal real world. Hence, it was something that I needed to do. I never asked myself why I should be a member or how would it help me in the practice of law. I just took it as a given that it was necessary to compete for jobs in the legal profession.

Now, before advising my daughter, I must determine whether membership in law review made any difference in my legal career. Put another way, did law review open any doors or help me in the practice of law? The answer is yes, it helped in several ways.

First, law review provided additional opportunities for me to obtain experience in legal writing. Without membership in law review the only legal writing I would have been exposed to in law school would have been the small amount involved in the research and writing classes. Law review provided additional opportunities, and quite frankly, writing is so important in the practice of law you cannot have too many writing opportunities.

Second, writing for law review provided me with the chance to actually analyze a particular case or area of law and put my analysis down on paper. Probably the most difficult task in the legal profession is applying the law to a particular fact situation and putting your analysis in words to communicate to others. Once again, law students do not normally get many great opportunities to practice this skill other than the written responses they write on final exams.

Third, writing for law review demonstrated the importance of preparing an outline before I actually started writing. I remember that before a written draft was approved, I was required to prepare an outline. Although the importance of an outline was frequently stressed to me during my legal career, law review was probably the first place that required me to take this step. In working with new associates today, I often ask that they start with an outline of what points they are including before actually drafting a brief.

Fourth, law review stressed the importance of accuracy in citations. It is extremely important that the citations included in a legal article or brief be accurate. This point was made very clear to me through cite-checking articles that were submitted for publication to law review. I remember cite-checking one article in particular that had so many inaccurate citations it was difficult to understand how it was ever written, let alone submitted for publication. Today when I receive briefs from various attorneys, it continues to amaze me the number of errors that are made in citation. Although it is possible that some of the errors are due to typos, the reader will frequently be unable to locate the case without going through a great deal of work. This consequence could prove fatal if your reader is an overworked judge who does not have time to spend trying to determine the correct cite and, therefore, fails to review the case.

Fifth, law review taught me the importance of Shepardizing cases to determine if they still represent good law. In legal research it is meaningless to find a good case that stands for the exact proposition you are searching

for if it has been reversed or overruled by another decision. Today with the use of computers, it is much easier to check whether a decision is still good law. At the time I was on law review, we had to go to the print copies of *Shepard's* for the particular cases and the particular time frame. This task would often be difficult because you could never be sure that you had looked at all of the printed booklets. I really did not understand the importance of making sure that a case had not been reversed or overturned until I began practicing law. Every once in a while I will ask a law clerk or new associate when they give me the results of their research if they have checked whether all of the cases are good, and they will respond not yet. I then tell them to take the research back, and I will look at it after they have Shepardized the cases.

Sixth, through my work on law review, I learned not to rely on secondary sources. This was a difficult thing to learn. It was easy to obtain a good law review article or an ALR annotation that discussed a particular legal point and use it as the basis of an article or research project. Frequently, these articles would discuss legal decisions on both sides of a particular issue and provide an excellent discussion of the law. It was very tempting just to use the information in the article or annotation and not actually read the decision it discussed. This course of action, however, could lead to disaster. In some instances a review of the particular decision showed that it really never said or stood for the proposition for which it was being cited in the article or annotation. Having learned this the hard way, I always check the citations from a secondary source that I want to rely on before citing them. This does not mean, however, that I think it wrong or not useful to consult law review articles or annotations on a specific legal topic before doing additional research.

Even though law review has contributed to my practice of law, there certainly were down sides to becoming a member. First, it took a great deal of time away from other activities. I can remember having to go to the law library to cite-check some article while my husband went to a movie. I really would have rather been at the movie with him, not at the law library. Additionally, it always seemed like the cite-checking assignments came at the most difficult times, such as finals or holidays. It was little consolation that I was helping to put out a quality publication or learning how to cite-check when others were having fun.

Second, the scheduled due date for a project always seemed unreasonable or artificial. I can remember receiving assignments and having only a couple of days to complete them when the article being checked was not really due back for several weeks. Since that time I have authored several articles, served on the board of editors for a legal treatise where I was responsible for editing several chapters, and have become aware of the time that is needed to assemble a publication once a simple task like

cite-checking is completed. Although I did not understand it at the time, these experiences were just the beginning of deadlines in my legal career.

Third, the competitive nature of the individuals who ran law review sometimes made me wonder why I even sought to join. I remember specifically a friend of mine who was ranked high in our class was given a cite-checking assignment during final exams. My friend often questioned the motives of the editors and wondered if the assignment was made with the intention of lowering her rank in the final class standings. There was never any proof that this motivated the assignment given to my friend. Although many rumors existed about assignments and the ruthlessness of the various editors, it may just have amounted to law review legend.

In the final analysis, I think that membership in law review was worth it for me. It may be that it was so long ago that I just remember the positives in the same way that a mother's memories of labor pains fade after the birth of her child. In my case, though, the experience helped shape me as a lawyer.

The question still remains: what would I recommend to my daughter? Mary is a member of another generation. She has different goals than I had when I started law school. In addition, Mary will be considerably younger than I was when she starts law school. Most importantly, though, Mary does not have the responsibility of a family. For example, she does not have to worry about getting a babysitter while she works on projects for law review. Additionally, she has a computer and can complete many of the law review projects through computer rather than traveling to the law library. Certainly, work on law review would be easier for Mary. Nevertheless, the question still remains: if it is easier for her, is the extra work of law review worth giving up other activities? Given the benefit of hindsight, I have concluded that law review was worth it. So even though the times have changed and Mary is in a different situation, my response to her would be to join.[†]

[†] EDITORS' NOTE: In addition to serving as a staff member of the *UALR Law Journal*, Galchus co-authored chapter sixteen of BARBARA LINDEMANN ET AL., *EMPLOYMENT DISCRIMINATION LAW* (3d ed. 1996). She also served on the Board of Editors of the treatise on the Fair Labor Standards Act.